

Misbranding of the article in each shipment was alleged in that it was food in package form, and the quantity of the contents thereof was not plainly and conspicuously marked on the outside of the package.

On April 29, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300.

E. D. BALL, *Acting Secretary of Agriculture.*

S003. Adulteration and misbranding of olive oil. U. S. * * * v. Achilles Joannidi (heretofore Copartner with Panos Perides). Plea of guilty. Fine, \$125. (F. & D. No. 11791. I. S. Nos. 13733-r, 17878-r.)

On May 5, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Achilles Joannidi, heretofore copartner with Panos Perides, trading under the name of Joannidi & Perides, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on November 14, 1918, and March 3, 1919, from the State of New York into the States of Connecticut and New Jersey, of quantities of an article which was adulterated and misbranded. The article in the shipment of November 14 was labeled in part, "La Marca Famosa Olio il Greco Brand Calamata Style packed by Joannidi & Perides New York." The article in the shipment of March 3 was unlabeled, but had been invoiced as "Spanish Oil."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted almost entirely of cottonseed oil, and in the shipment of November 14 the cans were short volume.

Adulteration of the article labeled in part "La Marca Famosa" was alleged in the information in that cottonseed oil had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality. It was further adulterated in that a substance, to wit, cottonseed oil, had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article labeled "La Marca Famosa" was alleged in that the statements on the labels on the cans containing the article, regarding the article, to wit, "Olio il Greco Brand Calamata Style," "La Marca Famosa," and "One Gallon Net," were false and misleading in that they represented that the article was olive oil produced in the kingdom of Greece, and that each can contained 1 gallon net of the article, whereas, in truth and in fact, the article was not olive oil produced in the kingdom of Greece, but was a mixture composed in part of cottonseed oil produced in the United States of America, and each can did not contain 1 gallon net of the article, but did contain a less amount. The article was further misbranded in that it was falsely branded as to the country in which it was produced in that it was branded as a product produced in the kingdom of Greece, whereas it was produced in the United States of America. The article was further misbranded in that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was olive oil produced in the kingdom of Greece, and that each can contained 1 gallon net of the article, whereas it was not olive oil produced in the kingdom of Greece, but was a mixture of cottonseed oil produced in the United States of America, and each can contained less than 1 gallon net of the article. Further misbranding was alleged in that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Adulteration of the article in the other shipment was alleged in the libel in that a substance, to wit, cottonseed oil, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality. Further

adulteration was alleged in that cottonseed oil had been substituted in part for Spanish oil, to wit, olive oil, which the article purported to be.

Misbranding of the article was alleged in that each can contained an article of food which bore no labels, but which was invoiced as "Spanish Oil" and was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$125.

E. D. BALL, *Acting Secretary of Agriculture.*

5004. Adulteration and misbranding of tuna fish. U. S. * * * v. 1,265 Boxes, More or Less, of Tuna Fish. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11890. I. S. No. 7347-r. S. No. C-1684.)

On January 19, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of an article, labeled "Tuna Fish," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on November 3, 1919, by the United Tuna Packers, Inc., Wilmington, Calif., transported from the State of California into the State of Tennessee, and reshipped from the State of Tennessee into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in that the article was sold and shipped as blue fin tuna fish, whereas other articles, to wit, striped tuna (*Gymnosarda pslamis*), bonito (*Sarda chilensis*), and albacore (*Germo alalunga*), had been substituted in whole or in part for said blue fin tuna fish, which the article purported to be.

Misbranding of the article was alleged in that the statement on the labels on the cans containing the article, regarding the article, to wit, "Abbey Brand California Tuna * * * Blue Fin Tuna S. G. & Co.," was false and fraudulent, and misled and deceived the purchaser in that it purported and represented that the article was blue fin tuna fish, whereas, in truth and in fact, it was not.

On May 1, 1920, the United Tuna Packers, Inc., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

5005. Adulteration and misbranding of tomatoes. U. S. * * * v. 675 Cases of Warwick Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 1189. I. S. No. 15924-r. S. No. E-1923.)

On January 23, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of an article, labeled in part "Warwick Brand Tomatoes," remaining unsold in the original unbroken packages at Philadelphia, Pa., consigned by Noah Webster, Cambridge, Md., alleging that the article had been shipped on or about November 1, 1919, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.